



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

SEP 04 2015

REPLY TO THE ATTENTION OF:

SC-5J

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Royal Industries, Inc., World Bestos Company, Lear Siegler, Inc.,
and Lear Sielger Diversified Holdings Corporation
James F. Matthews, President
c/o The Corporation Trust Company
Corporation Trust Center
1209 Orange Street
Wilmington, Delaware 19801

Re: Request for Information Pursuant to Section 104(e) of CERCLA
New Castle Asbestos Site
1112 South 25th Street, New Castle, Henry County, Indiana
Site Spill Identification Number: C5T1

Dear Mr. Matthews:

This letter seeks the cooperation of Lear Sielger Diversified Holdings Corporation ("LSDH" or "you") in providing information and documents relating to the contamination of the New Castle Asbestos Site ("Site"). On May 7-8, 2013, the U.S. Environmental Protection Agency conducted an assessment of the Site and documented the presence of asbestos-containing materials and regulated asbestos-containing materials, both friable and non-friable, commingling with debris piles. You are receiving this request for information on behalf of Royal Industries, Inc. ("RI"), World Bestos Company ("WBC") and Lear Sielger, Inc. ("LS") as their successor. Information available to EPA indicates these entities are former owners and/or operators of the Site.

The EPA is responding to the release or threat of release of hazardous substances, pollutants or contaminants at the Site. The EPA is seeking additional information concerning the generation, storage, treatment, transportation and methods used to dispose of these substances, and identify activities, materials and parties that contributed to contamination at the Site. The EPA believes that you might possess information that may assist the agency in its investigation of the Site.

We encourage you to give this matter your immediate attention and request that you provide a complete and truthful response to the enclosed Questions (Enclosure C) within fourteen (14) calendar days of your receipt of this letter. Instructions and Definitions

(Enclosures A and B, respectively) as well as a Declaration (Enclosure D) also have been enclosed to assist you with completing your response.

Under Section 104(e)(2) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, (CERCLA), 42 U.S.C. § 9604(e)(2), the EPA has broad information gathering authority which allows the EPA to require persons to furnish information or documents relating to:

- (a) The identification, nature and quantity of materials which have been or are generated, treated, stored or disposed of at a vessel or facility or transported to a vessel or facility;
- (b) The nature or extent of a release or threatened release of a hazardous substance or pollutant or contaminant at or from a vessel or facility; and
- (c) Information relating to the ability of a person to pay for or to perform a cleanup.

While the EPA seeks your cooperation in this investigation, compliance with this request for information is required by law. In addition, providing false, fictitious or fraudulent statements or representations may subject you to criminal penalties under 18 U.S.C. § 1001. The information you provide may be used by the EPA in administrative, civil or criminal proceedings.

Some of the information the EPA is requesting may be considered by you to be confidential. Please be aware that you may not withhold the information upon that basis. If you wish the EPA to treat the information confidentially, you must advise the EPA of that fact by following the procedures outlined in Enclosure A, including the requirement for supporting your claim for confidentiality.

If you have information about other parties who may have information that may assist the agency in its investigation of the Site or may be responsible for the contamination at the Site, that information should be submitted within the time frame noted above.

Section 104 of CERCLA, 42 U.S.C. § 9604, authorizes the EPA to pursue penalties for failure to comply with that section or for failure to respond adequately to requests for submissions of required information.

This request for information is not subject to the approval requirements of the Paperwork Reduction Act of 1995, 44 U.S.C. § 3501 *et seq.*

Your response to this request for information should be mailed to:

Cheryl McIntyre, Enforcement Specialist
U.S. Environmental Protection Agency, Region 5
Superfund Division - Enforcement & Compliance Assurance Branch
Enforcement Services Section 1, SE-5J
77 West Jackson Boulevard
Chicago, Illinois 60604-3590

If you have additional questions about the history of the Site, the nature of the environmental conditions at the Site or the status of cleanup activities, please visit the EPA's website www.epaossc.org/newcastleasbestossite or you may contact Anita L. Boseman, On-Scene Coordinator at (312) 886-6941, or boseman.anita@epa.gov. You also may contact Jose Deleon, Assistant Regional Counsel at (312) 353-7456, or delon.jose@epa.gov. However, if you have specific questions about this request for information, please contact Cheryl McIntyre, Enforcement Specialist at (312) 886-1964, or mcintyre.cheryl@epa.gov.

We appreciate and look forward to your prompt response to this request for information.

Sincerely,



M. Cecilia Moore, Chief
Enforcement & Compliance Assurance Branch

Enclosures

- A Instructions
- B Definitions
- C Questions
- D Declaration

bcc: Jose DeLeon, ORC (C-14J)
Anita L. Boseman, OSC (SE-5J)
Cheryl McIntyre, ESS 1 (SE-5J)
John Maritote, ERS 4 (SE-5J)
Records Center (SRC-7J)
Carol Ropski, ESS1 (SE-5J)

Enclosure A
Information Request
New Castle Asbestos Site, New Castle, Indiana

INSTRUCTIONS

1. Answer Each Question Completely. You must provide a separate answer to each question and subpart set forth in this request for information. Incomplete, evasive, or ambiguous answers shall constitute failure to respond to this request for information and may subject you to the penalties set out in the cover letter.

2. Response Format and Copies. Provide the responses to this request for information and copies of all requested documents either electronically or on paper (hard copy). Your submission, whether electronic or hard copy, must include an index that lists all the responsive documents provided, and that indicates where each document is referenced in the written response, and to which question or questions each document is responsive.

Any documents you determine to be Confidential Business Information ("CBI") must be segregated out and submitted in a separate folder or on a separate compact disc ("CD"). These documents must be clearly marked as "Confidential Business Information".

If providing your response electronically, it must be submitted on a CD in Portable Document Format ("PDF") and comply with the following requirements:

(a) CBI and personal privacy information ("PII") should be provided on separate media (e.g., a separate CD) and marked as such to ensure information is appropriately handled.

(b) All documents originally smaller than 11 by 17 inches can be submitted electronically; any documents originally larger than 11 by 17 inches must be submitted in hard copy.

(c) Electronic PDF files must be text-searchable.

(d) The document index must clearly identify any single electronic document which has been separated into multiple electronic files (because of size limitation or otherwise) and each component file that comprises the full document.

3. Number Each Answer. Number each answer with the number of the question to which it corresponds.

4. Provide the Best Information Available. You must provide responses to the best of your ability, even if the information sought was never put down in writing or if the written documents are no longer available. You should seek out responsive information from current and former employees/agents. Submission of cursory responses when other responsive information is

available to the Respondent will be considered noncompliance with this request for information.

5. Identify Information Sources. For each question, identify all persons and documents you relied on for your answer.

6. Confidential Information. You must provide the information requested even though you may contend that it includes confidential information or trade secrets. You may assert a confidentiality claim covering part or all of the information requested, pursuant to 42 U.S.C. §§ 9604(e)(7)(E) and (F), and 40 C.F.R. § 2.203(b). All information claimed to be confidential should be contained on separate sheet(s) and should be clearly identified as “trade secret”, “proprietary” or “company confidential”. Your confidentiality claim should be supported by the submission of information consistent with 40 C.F.R. Part 2. Information covered by a confidentiality claim will be disclosed by the EPA only to the extent, and only by means of the procedures, provided in 40 C.F.R. §§ 2.201-2.311. If no such claim accompanies the information received by the EPA, it may be made available to the public by the EPA without further notice to you.

You should also provide a redacted version of the same document that removes all CBI and PII from the document. This redacted version of the document should remove all information that you claim is CBI or PII. Since all the CBI and PII is removed, this redacted version is not subject to the procedures of 40 C.F.R. Part 2. The EPA may make this redacted version available to the public without further notice to you.

7. Disclosure to the EPA Contractor. Information that you submit in response to this request for information may be disclosed by the EPA to authorized representatives of the United States, pursuant to 40 C.F.R. § 2.310(h), even if you assert that all or part of it is confidential business information. The EPA may provide this information to its contractors for the purpose of organizing and/or analyzing the information contained in the responses to this request for information. If you are submitting information that you assert is entitled to treatment as confidential business information, you may comment on this intended disclosure within twenty (20) business days of receiving this request for information.

8. Personal Privacy Information. Personnel and medical files, and similar files the disclosure of which to the general public may constitute an invasion of privacy, should be segregated from your responses, included on separate sheet(s), and marked as “Personal Privacy Information”. You should note, however, that unless prohibited by law, the EPA may disclose this information to the general public without further notice to you.

9. Objections. While you may object to certain questions in this request for information, you must provide responsive information notwithstanding those objections. To object without providing responsive information may subject you to the penalties set out in the cover letter.

10. Privilege. If you claim that any document responsive to this request for information is a communication for which you assert that a privilege exists for the entire document, identify (see

Definitions) the document and provide the basis for asserting the privilege. For any document for which you assert that a privilege exists for a portion of it, provide the portion of the document for which you are not asserting a privilege, identify the portion of the document for which you are asserting the privilege, and provide the basis for such an assertion. Please note that regardless of the assertion of any privilege, any facts contained in the document that are responsive to the request for information must be disclosed in your response.

11. Declaration. You must complete the enclosed declaration, in hard copy with an original signature, certifying the accuracy of all statements in your response.

Enclosure B
Information Request
New Castle Asbestos Site, New Castle, Indiana

DEFINITIONS

Terms not defined here shall have their ordinary meaning, unless such terms are defined in Section 101 of CERCLA, 42 U.S.C. § 9601, or Volume 40 of the Code of Federal Regulations, in which case such statutory or regulatory definitions shall apply.

The following definitions apply to the following words as they appear in this request for information:

1. The term "you" or "Respondent" means the addressee(s) of this Request, together with the addressee's agents, employees, and contractors.
2. The term "document" and "documents" means any method of recording, storing or transmitting information. "Document" includes, but is not limited to:
 - (a) writings of any kind, including, but not limited to, any of the following:
 - i. letters, memoranda, fax transmittals;
 - ii. meeting minutes, telephone records, notebooks;
 - iii. agreements and contracts;
 - iv. reports to shareholders, management, or government agencies;
 - v. transportation manifests;
 - vi. copies of any document;
 - (b) any film, photograph, or sound recording on any type of device;
 - (c) any blueprints or drawings; and
 - (d) attachments to, or enclosures with, any document.
3. The term "identify" means, with respect to a natural person, to set forth: (a) the person's full name; (b) present or last known business and home addresses and telephone numbers; and (c) present or last known employer (include full name and address) with job title, position or business.
4. The term "identify" means, with respect to a corporation, partnership, business trust or other entity, to set forth: (a) its full name; (b) complete street address; (c) legal form (e.g., corporation, partnership); (d) the state under whose laws the entity was organized; and (e) a brief description of its business.
5. The term "identify" means, with respect to a document, to provide: (a) its customary business description (e.g., letter, invoice); (b) its date; (c) its number if any (e.g., invoice or purchase order

number); (d) the identity of the author, addressee, and/or recipient; and (e) a summary of the substance or the subject matter. Alternatively, Respondent may provide a complete copy of the document.

6. The term “material” or “materials” means any and all raw materials, commercial products, wastes, chemicals, substances or matter of any kind.

7. The “period being investigated” and “the relevant time period” means from the time you first acquired the Site to the present.

8. The term “property” means any interest in real or personal property whatsoever, including fee interests, leases, licenses, rental and mineral rights.

9. The “Site” means any or all property or area described as: Parcel No. 030-82415-00 or the address commonly known as 1112 South 25th Street, New Castle, Henry County, Indiana.

10. The term “waste” or “wastes” means and includes, but is not limited to, trash, garbage, refuse, by-products, solid waste, hazardous waste, hazardous substances, and pollutants or contaminants, whether solid, liquid, or sludge.

11. The term “business activities” means all actions, endeavors, ventures, or financing arrangements related in any manner whatsoever to the use and development of the Site, including surveying, sampling, grading, documentation, photography, demolition, construction, and waste disposal, and sales.

Enclosure C
Information Request
New Castle Asbestos Site, New Castle, Indiana

QUESTIONS

1. Identify all persons consulted in the preparation of the answers to these questions.
2. If you have reason to believe that there may be persons able to provide a more detailed or complete response to any question or who may be able to provide additional responsive documents, identify such persons.
3. Identify all documents consulted, examined or referred to in the preparation of the answers to these questions, and provide copies of all such documents.
4. If any of the documents solicited in this request for information are no longer available, please indicate the reason why they are no longer available (i.e. burned, achieved, trashed) and provide a copy of your document retention policy.
5. Is LSDH the successor to all liabilities of RI, WBC and LS including those under CERCLA?
6. Describe in detail LSDH's past and current relationship with RI, WBC and LS and the Site located at 1112 South 25th Street, New Castle, Indiana. Respond to each of the following:
 - (a) State the date on which LSDH acquired ownership or an interest in RI, WBC and LS and the Site. State the prior owners, if any, of RI, WBC and LS and the Site. Submit a copy of all documents relating to LSDH's purchase of LS and the Site.
 - (b) Did LSDH sell or otherwise divest itself of any stock, assets, or other interest in RI, WBC and LS or any other company which operated a manufacturing facility at 1112 South 25th Street, New Castle, Indiana?
 - (c) If the answer to (b) is "yes", fully describe the nature of the sale and/or transaction. State if the transaction consisted of a merger, consolidation, sale or transfer of assets, and submit all documents relating to such transaction, including all documents pertaining to any agreements, express or implied, for the purchasing corporation to assume the liabilities of the selling corporation.
 - (d) Did LSDH retain the liabilities of RI, WBC and LS for events prior to the sale?
7. Describe the relationship among LSDH, the Site and the following:
 - (a) Lear Sielger, Inc.
 - (b) Original Charter Corporation

(c) Morris Crest Corporation

(d) Royal Industries, Inc.

(e) Royal Brake Products

(f) Royal Industries Brake Products, Inc.

(g) World Bestos Company

8. If Respondent is a corporation, provide a copy of your Articles of Incorporation and By-Laws.

9. If Respondent is a partnership, provide a copy of your Partnership Agreement.

10. If Respondent is a trust, provide copies of all relevant agreements and documents to support this claim.

11. State the dates during which Respondent owned, operated or leased the Site and provide copies of all documents evidencing or relating to such ownership, operation or lease arrangement including but not limited to purchase and sales agreements, deeds, leases, etc.

12. Identify any persons who concurrently with Respondent exercised actual control or who held significant authority to control activities at the Site including but not limited to:

(a) Any contractor, subcontractor or licensor with any presence or activity on the Site (e.g. service contractors, remediation contractors, management and operator contractors, licensor providing technical support to licensed activities.)

(b) Any person subleasing land, equipment or space at the Site.

(c) Utilities, pipelines, railroads and any other person with activities and/or easements at the Site.

(d) Major financiers and lenders.

(e) Any person who exercised actual control over any activities or operations at the Site.

(f) Any person who held significant authority to control any activities or operations at the Site.

(g) Any person who had a significant presence or who conducted significant activities at the Site.

(h) Government entities that had proprietary (as opposed to regulatory) interest or involvement with regard to the activities at the Site.

13. Identify the prior owners of the Site. For each prior owner, further identify:

- (a) The dates of ownership.
- (b) All evidence showing that they controlled access to the Site.
- (c) All evidence that a hazardous substance, pollutant or, was released or threatened to be released at the Site during the period that they owned the Site.

14. Identify the prior operators, including lessors, of the Site. For each such operator, further identify:

- (a) The dates of operation.
- (b) The nature of prior operations at the Site.
- (c) All evidence that they controlled access to the Site.
- (d) All evidence that a hazardous substance, pollutant or contaminant was released or threatened to be released at or from the Site and/or its solid waste units during the period that they were operating the Site.

15. Describe the nature of Respondent's business and activities at the Site.

16. Provide information about the Site, including but not limited to the following:

- (a) Location and description surface structures (i.e. buildings, tanks, etc.);
- (b) Any and all additions, demolitions or changes of any kind on, under or about the Site, to its physical structures or to the property itself (e.g. excavation work); and
- (c) All maps and drawings of the Site in your possession.

17. Provide all reports, information or data related to soil, water (i.e. ground and surface) or air quality and geology/hydrogeology at and about the Site. Provide copies of all documents containing such data and information, including both past and current aerial photographs as well as documents containing analysis or interpretation of such data.

18. Provide copies of all income tax returns Respondent sent to the Federal Internal Revenue Service in the last five years.

19. Identify all property, pollution and/or casualty liability insurance policies held by Respondent. State the name and address of each insurer and of the insured, the amount of coverage under each policy, the commencement and expiration dates for each policy, whether or not the policy contains a "pollution exclusion" clause, and whether the policy covers or excludes sudden, non-sudden or both types of

accidents. In lieu of providing this information, you may submit complete copies of all relevant insurance policies.

20. Identify and provide copies of all previous settlements by Respondent (or Respondent's predecessors) with any insurer which relates in any way to environmental liabilities and/or to the policies referenced in Question 19 above, including the date of the settlement; the scope of release provided under such settlement; and the amount of money paid by the insurer pursuant to such settlement.

Enclosure D
Information Request
New Castle Asbestos Site

DECLARATION

I declare under penalty of perjury that I am authorized to respond on behalf of the Respondent and that the foregoing is complete, true, and correct.

Executed on _____, 2015.

Signature

Type or Print Name

Title